

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 6

DATE: August 23, 2010

RECOMMENDATION: Conduct a continued public hearing to consider the amendment of Rule 219 – *Equipment Not Requiring a Permit*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 219 and directing staff actions.

SUMMARY: The public hearing to consider the amendment of Rule 219 was originally noticed for the 06/28/10 Governing Board meeting but was continued to the 08/23/10 to address comments received from the United States Environmental Protection Agency (USEPA). Rule 219 is proposed for amendment to implement the provisions of Senate Bill 700 of 2003 (Health & Safety (H&S) Code §§40724-40724.7), and also to add a provision to include negligibly emitting fuel cells as specific equipment not requiring a permit.

CONFLICT OF INTEREST: None

BACKGROUND: The MDAQMD has the authority pursuant to California H&S Code §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 219 – *Equipment Not Requiring a Permit* for inclusion in the current rulebook.

Previously, all agricultural activities were exempted from air district permitting by State law (former H&S Code 42310). Recently the federal government required the State of California to regulate, through permitting, many previously exempt agricultural activities. California responded by adopting SB 700 in 2003 provisions requiring air districts to adopt rules in part to regulate pollution from larger agricultural sources in the same manner as other non-agricultural sources with similar equipment. The proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* will implement portions of the provisions of SB 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. This rule action is a part of the entire implementation of SB 700 which also includes the

Cc: Tracy Walters

I, MICHELE BAIRD, CLERK OF THE GOVERNING BOARD OF
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A
FULL, TRUE AND CORRECT COPY OF THE RECORD OF
THE ACTION AS THE SAME APPEARS IN THE OFFICIAL
MINUTES OF SAID GOVERNING BOARD MEETING

CLERK OF THE BOARD
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

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adoption of Rules 403.3 – *Fugitive Dust Control for Off-field Agricultural Sources*, 403.4 – *Fugitive Dust Control for On-field Agricultural Sources*, 1160.1 – *Internal Combustion Engines in Agricultural Operations*, and 1186 – *Combined Animal Facilities*.

This amendment will also add a provision to include negligibly emitting fuel cells as specific equipment not requiring a permit. This is a similar provision contained in neighboring air district rules.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 219 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Eldon Heaston, Executive Director on or before 08/09/10.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Supervising Air Quality Engineer.

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**ACTION OF THE GOVERNING BOARD
APPROVED and ADOPTED**

Upon Motion by **MIKE ROTHSCILD**, Seconded by **BOB SAGONA**, as approved by the following roll call vote:

Ayes:	12	GLASPER, GOMEZ, RIORDAN, PACK, COLE, SAGONA, ROTHSCILD, WILLIAMS, HERBEL, DECONINCK, BENOIT, MITZELFELT
Noes:		
Absent:	2	BIANE, DERRY
Abstain:		
Vacant:		

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD
BY 
Dated: AUGUST 23, 2010

Ref: Resolution 10-06 titled "A RESOLUTION OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 219- EQUIPMENT NOT REQUIRING A PERMIT AND DIRECTING STAFF ACTIONS".